

A. G. Contract No. KR-88-1841TRD  
ECS File: JPA-88-65  
Project: 87MA169-H054604C  
Section: Elliot Rd.-Baseline Rd.

# INTERGOVERNMENTAL AGREEMENT

BETWEEN  
THE STATE OF ARIZONA  
AND  
THE CITY OF CHANDLER

THIS AGREEMENT is entered into March 9, 1989 *File*  
pursuant to Arizona Revised Statutes, Sections 11-951 through  
11-954, as amended, between the STATE OF ARIZONA, acting by and  
through its DEPARTMENT OF TRANSPORTATION (the "State") and the  
CITY OF CHANDLER, acting by and through its City Council (the  
"City").

## I. RECITALS

1. The State is empowered by Arizona Revised Statutes  
Section 28-108 to enter into this agreement and has by  
resolution, a copy of which is attached hereto and made a part  
hereof, resolved to enter into this agreement and has delegated  
to the undersigned the authority to execute this agreement on  
behalf of the State.

2. The City is empowered by Arizona Revised Statutes  
Section 48-572 to enter into this agreement and has by  
resolution, a copy of which is attached hereto and made a part  
hereof, resolved to enter into this agreement and has  
authorized the undersigned to execute this agreement on behalf  
of the City.

3. In connection with the construction of improvements to  
State Route 87, the City has requested inclusion of an  
twelve-inch sewer line. The total cost to install said sewer  
line is estimated to be \$3,500.

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NO	<u>13672</u>
FILED WITH SECRETARY OF STATE	
Date Filed	<u>3-9-89</u>
	<i>Jim Shumway</i> Secretary of State
By	<i>S. J. Vermillion</i>

4. The purpose of this agreement is to establish the parties' responsibilities relative to construction and maintenance of said sewer line.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

## II. SCOPE OF WORK

1. The City shall, at its own cost, design said sewer line and furnish the plans at no cost to the State.

2. The State shall by change order to its construction contract provide the necessary labor, materials and equipment to install said sewer line beneath the State Route 87 roadway.

3. The City shall be responsible for inspecting and accepting the installation of said facilities and shall assume all system liability and costs associated therewith.

4. The City shall bear the full costs of installing the sewer, including construction, and construction administration costs incurred by the State. The City shall further bear the actual cost of construction change orders, delays or claims for extra compensation, if any, made by the contractor related to said sewer line installation.

5. Upon this agreement becoming effective, the City shall deposit with the State \$3,500. as its estimated share of the total project cost.

6. Upon completion of construction, the State shall submit a full accounting to the City of actual costs associated with the sewer line installation, together with a billing for any additional funds due or a refund of any overpayment. In the event additional funds are due, the City shall remit payment within thirty days of receipt of the State's billing.

7. The City shall retain maintenance responsibility for the sewer line and related facilities.

## III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said construction project; provided, however, that any provisions herein for maintenance shall be perpetual.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled by the Governor in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518(B) and (C).

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation  
Engineering Consultants Services  
205 South 17 Avenue, Room 118E  
Phoenix, AZ 85007

Public Works Director  
City of Chandler  
200 E. Commonwealth  
Chandler, AZ 85225

7. Attached hereto and incorporated herein by reference is a copy of the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

CITY OF CHANDLER

STATE OF ARIZONA  
Department of Transportation

By [Signature]  
Title Mayor

By [Signature]  
GARY K. ROBINSON  
Chief Deputy State Engineer

0735  
18NOV

C E R T I F I C A T I O N

I HEREBY CERTIFY that the above and foregoing Resolution No. 1732 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 12th day of January, 1988, and that a quorum was present thereat.

Carolyn Deen  
DEPUTY CITY CLERK

APPROVED AS TO FORM:

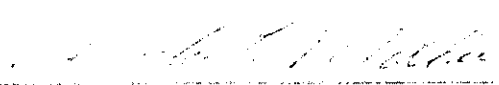
William F. George  
CITY ATTORNEY

ECS File: JPA-88-65  
Project: 37MA169-H054604C  
Section: Elliot Rd.-Baseline Rd.

# RESOLUTION

BE IT RESOLVED on this 12 day of October, 1988, that I, CHARLES L. MILLER, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, enter into an agreement with the City of Chandler for installation of City utilities in conjunction with the State's State Route 87 improvement project.

THEREFORE, authorization is hereby given to draft said agreement which, upon completion, shall be submitted for approval and execution by the Chief Deputy State Engineer.

  
\_\_\_\_\_  
CHARLES L. MILLER, Director  
Arizona Department of  
Transportation

ATTACHMENT "A"  
MEMO NO. CA 89-088

RESOLUTION NO. 1732

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
CHANDLER, ARIZONA, AUTHORIZING EXECUTION OF  
INTERGOVERNMENTAL AGREEMENT WITH STATE OF ARIZONA  
FOR SEWER CONNECTION AT STATE ROUTE 87.

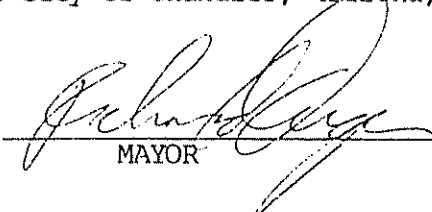
WHEREAS, the City of Chandler, hereinafter called CITY, desires to install a sewer line connection at State Route 87, south of the Western Canal.

WHEREAS, the State of Arizona, hereinafter called STATE, has agreed in principle to incorporate such work with current paving improvements being undertaken along State Route 87.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chandler, Arizona, as follows:

1. That certain "INTERGOVERNMENTAL AGREEMENT BETWEEN THE STATE OF ARIZONA AND CITY OF CHANDLER" relating to State Project No. 87MA169-H054604 for a sewer line connection along State Route 87 south of the Western Canal is hereby approved; and
2. The Mayor is hereby authorized to execute said Agreement.

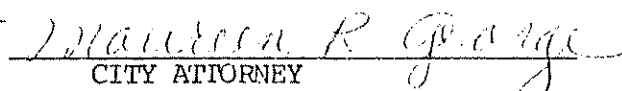
PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona, this  
12th day of January, 1989.

  
MAYOR

ATTEST:

  
DEPUTY CITY CLERK

APPROVED AS TO FORM:

  
CITY ATTORNEY

INTERGOVERNMENTAL AGREEMENT

DETERMINATION

The Intergovernmental Agreement between the City of Chandler and State  
of Arizona, acting by and through its Department of Transportation  
(Name of Agency)  
for construction of improvements to State Route 87, the City has requested  
(Description of Project)  
inclusion of an twelve-inch sewer line.

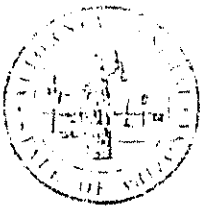
has been reviewed pursuant to A.R.S. Sections:

11-951 et seq & 48572 and

Article I, Section 1.03 of the Charter for the City of Chandler by the  
undeersigned City Attorney who has determined that it is in the proper form  
and is within the powers and authority granted to the City of Chandler and  
its agencies under applicable laws of the State of Arizona.

Dated this 7<sup>th</sup> day of December, 1988.

Maureen R. Gage  
CITY ATTORNEY



Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85001

Robert E. Corbin

INTERGOVERNMENTAL AGREEMENT


DETERMINATION

A. G. Contract No. RA-SP-1841-TAD, is an agreement between public agencies, has been reviewed pursuant to A.R.S. 5 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 3<sup>rd</sup> day of March, 1989.

ROBERT E. CORBIN  
Attorney General

  
Assistant Attorney General  
Transportation Division